

SENATE JUDICIARY COMMITTEE AMENDMENT NO. 1 by O'Brien

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1161*

House Bill No. 800

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 40-29-105, is amended by deleting from the first sentence of subsection (b) the date "July 1, 1986" and substituting instead the language "July 1, 1986 but before July 1, 1996".

Section 2. Tennessee Code Annotated, Section 40-29-105, is further amended by adding the following new subsection (c):

(c) The following procedure shall apply to a person rendered infamous by virtue of being convicted of a felony on or after July 1, 1996:

(1) Except as provided in subpart (2)(B) of this subsection, a person rendered infamous or whose rights of citizenship have been deprived by the judgment of a state or federal court may seek restoration of such person's full rights of citizenship by petitioning the circuit court of the county where the petitioner resides or where the conviction for the infamous crime occurred.

(2)(A) A person receiving a pardon that restores full rights of citizenship may petition for restoration immediately upon receiving the pardon. However, the court shall not have the authority or jurisdiction to alter, delete or render void special conditions pertaining to the right of suffrage that may be contained in such pardon.

(B) A person convicted of an infamous crime may petition for restoration upon the expiration of the maximum sentence imposed by the

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court for the infamous crime. Provided, however, a person convicted of murder, rape, treason or voter fraud shall never be eligible to register and vote in this state.

(3) The petition shall set forth the basis for the petitioner's eligibility for restoration and shall state the reasons the petitioner believes that his or her full citizenship rights should be restored. The petition shall be accompanied by such certified records, statements and other documents or information as is necessary to demonstrate to the court that the petitioner is both eligible for and merits having his or her full rights of citizenship restored. The court may require such additional proof as it deems necessary to reach a just decision on the petition.

(4)(A) Prior to acting on any petition filed pursuant to this subpart, the court shall notify the district attorney general in whose county the petitioner resides and the district attorney general of the county in which the conviction occurred that a petition for restoration of citizenship has been filed by the petitioner. Such notice shall be sent at least thirty (30) days prior to any hearing on or disposition of the petition. Each district attorney general so notified may object to the restoration of the petitioner's citizenship rights either in person or in writing.

(B) If the petitioner was rendered infamous or deprived of citizenship rights by judgment of a federal court, the circuit court shall give

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the notice required in subdivision (A) of this subpart to the United States attorney and the district attorney general in whose district the petitioner is currently residing. Each such official shall have the same right to object to the petition as is provided in subdivision (A) of this subpart.

(5) If upon the face of the petition or after conducting a hearing, the court finds that the petitioner's full citizenship rights should be restored, it shall so order and send a copy of such order to the state coordinator of elections.

(6) All costs for a proceeding under this subsection to restore a person's citizenship rights shall be paid by the petitioner unless the court specifically orders otherwise.

(7) Any person whose citizenship rights have been restored by order of the court pursuant to this subsection shall submit a certified copy of such order to the registrar of the county in which such person is eligible to vote. The registrar shall verify with the coordinator of elections that such an order was issued and, upon receiving such verification, shall issue the person a voter registration card entitling the person to vote.

Section 3. This act shall take effect July 1, 1996, the public welfare requiring it.